

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

POLICE – Prakasam District – Sri Kasim Peera, S.I. of Police, Prakasam District – Inclusion of his name in the “C” list of S.I. fit to act as Inspectors of Police along with his batchmates of 1983 and regularisation of his services from 1986 – Final orders – Issued.

HOME (SER-II) DEPARTMENT

G.O. Ms.No. 159

Dated:2-8-2008
Read the following:-

- 1.G.O.Rt.No.719, Home (Ser-II) Department,
dated 20.4.2006
- 2.Govt. Memo. No.18744/Ser.II/A1/2006, dated 20.6.2007
- 3.Orders of the Hon’ble APAT dated 28.1.2008 in O.A.
No.4241/07 with VMA. No.666/2007 and C.A.No.663/2007
- 4.From the DG & IGP., AP., Hyderabad Lr. Rc.No.678/E1/
2005, dated 23.2.2008
- 5.Govt. Memo.No.22638/Ser.II/A2/2007-6, dated 17.3.2008
- 6.Govt. Memo.No.22638/Ser.II/A2/2007-7, dated 17.3.2008
- 7.From Sri Khasim Peera, S.I. of Police, N.G. Padu P.S.,
Prakasam District, explanation dated 21.4.2008
- 8.From the D.I.G., Guntur Range, Guntur Lr. C.No.515/
A1/2008, dated 14.5.2008

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The Government in the G.O. 1st read above, issued orders directing the Director General of Police, A.P., Hyderabad, to include the name of Sri T.Khasim Peera, Sub-Inspector of Police, Prakasam District, in the “C” list of S.Is. fit to act as Inspectors of Police at the appropriate place along with his batch mates of 1983 and to regularize his services from 1986 instead of 1991.

2. In the Government Memo. 2nd read above, based on the circumstances stated by the Director General of Police, A.P., Hyderabad, the Government cancelled the orders issued in the reference 1st read above.

3. Aggrieved by the orders in Memo. 2nd read above, Sri T.Khasim Peera, Sub-Inspector of Police, has approached the Hon’ble A.P.A.T., by filing O.A. No.4241/2007. The Hon’ble A.P. Administrative Tribunal, Hyderabad, in its order 3rd read above, while setting aside the orders issued by the Government in Memo. No.18744/Ser.II/A1/2006, dated 20.6.2007, left open to the respondents therein to pass appropriate orders by putting the applicant on notice. The Hon’ble Tribunal further directed to consider the representation submitted by the applicant and to issue speaking orders by giving appropriate reasons or otherwise to proceed against the applicant in accordance with the rules, if the Government, so desire.

4. In the light of the aforesaid orders of the Hon’ble A.P. Administrative Tribunal, Hyderabad, the Government, in the Memo. 5th read above, have issued orders rescinding the orders issued in Government Memo.No.18744/Ser.II/A1/2006, dated 20.6.2007, and decided to review the orders issued in the G.O. 1st cited.

5. In the light of the Hon’ble A.P.A.T. orders 3rd read above, and the report of the Director General of Police, A.P., Hyderabad, AP., Hyderabad in the reference 4th read above, the Government, in the Memo. 6th read above, issued a show cause notice to Sri T.Khasim Peera, Sub-Inspector of Police,

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directing him to show cause as to why the orders issued in the G.O. Rt.No.719, Home Department, dated 20.4.2006, shall not be cancelled. He was directed to submit his explanation to the Director General of Police, A.P., Hyderabad, within five days from the date of receipt of the Memo.

6. In his explanation, 7th read above, Sri T.Khasim Peera, Sub-Inspector of Police, has submitted that he was promoted as S.I. in the year 1983 basing on the performance examination conducted by the then Deputy Inspector General of Police, Guntur Range, at Guntur, on 20.3.1983, and immediately he was sent for Training to PTC, Anantapur. After completion of requisite training, in the exams conducted by the PTC, he passed all the subjects except one, in the year 1983. He completed the said one subject on 7-6-1985 in the supplementary examinations conducted by the PTC, Anantapur. He was sent for training by the then Deputy Inspector General of Police, Guntur, in the year 1983, by promoting as S.I. in the existing vacancies of 34 posts of S.Is. meant for promotees quota in Guntur Range. After completion of requisite training in the year 1983, he stood at Sl.No.28 in the 43 Member list prepared by the then Deputy Inspector General of Police, according to the aggregate marks secured by each individual. In that list 5 of their batch mates passed at a time, in the year 1983. the Deputy Inspector General of Police, instead of regularizing his services as S.I. after completion of Training in the year 1983 and after completion of one subject in the year 1985, regularized his services as S.I. on 21.2.1991, which is contrary to the A.P. State & Subordinate Service Rules r/w A.P. P.S.S. Rules. With that, his service got effected for the promotion to the next higher post. He secured 125 Rewards, Seva Pathakam, Uttama Seva Pathakam in the year 2006, with excellent track record, without any break. He further stated that the Deputy Inspector General of Police, Guntur Range, cannot follow the methodology of fixing inter-se-seniority between the promotees and D.Rs. ie., 3 : 7 ratio as per G.O.Ms.No.176, dated 27.7.1997. The seniority shall be fixed basing on the final orders of the Hon'ble High Court in W.P. No.13765/98. At the relevant point of time he was the promotee Sub-Inspector, has completed requisite training. The Hon'ble Hgh Court, in its order dated 10.6.2003, while quashing the ratio fixed in G.O. Ms.No.176, dated 26.7.1996 held that -

"The methodology for fixing the seniority between direct recruits and the promotees, cannot sustain and is accordingly quashed. The order of the A.P. Administrative Tribunal is also quashed to that extent. The respondents are directed to frame a tentative seniority list of all the Sub-Inspectors of in accordance with the relevant Rules namely A.P. State and Subordinate Service Rules and the A.P. Police Subordinate Service Rules and after the tentative list is published, all the concerned and interested persons be given an opportunity of placing their objections before the concerned authorities, who may finalise the seniority list after considering all those objections. Any promotion made till the date of such finalization, shall be without prejudice to the rights of all the persons".

7. Sri T.Khasim Peera, Sub-Inspector of Police, has, therefore, requested the Government, to implement the G.O. Rt.No.719, Home (Ser.II) Department, dated 20.4.2006, and set-aside the Memo. No.18744/Ser.II/A1/2006, dated 20.6.2007, taking into his service rendered to the Department.

8. The Deputy Inspector General of Police of Police, Guntur Range in his letter 8th read above, has stated that the petitioner was sent to Police Training College, Anantapur, during the year 1983 and he had passed in all the subjects except one. Later, during the year 1985, he had passed the test

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in the supplementary examination conducted by the Police Training College, Anantapur. He was promoted as SI of Police during 1983 only on OS basis and thus his contention that he was promoted in the 34 regular vacancies meant for regular promotees is not correct. The name of T. Khasim Peera, along with 42 others was included in the "C" List during 1989. Hence, his request for regularizing his services immediately after completion of his training does not arise. His further contention that his services should be regularized from 1983 after completion of one subject in the year 1985, is not valid, since it was clearly mentioned in the memo 650/A1/1983, dated 07-02-1989, that promotions to the rank of SIs and regularization of services would be made only on exhausting previous "C" list. He was not eligible for regularization of services in the year 1983 as he did not passed all subjects, and in 1985 he had completed the remaining subject at which time there were no vacancies of rank pomotees existing. After arising regular vacancy of SI under 30% quota, the services of Sri T.Khasim Peera were regularized w.e.f 21-2-1991, as the senior HCs / ASIs in the "C" List of 1989 up to Sl.No. 18 were assigned the "B" List up to 2-11-1988 and his name figured at Sl.No. 23 of the C List of 1989. Hence, his services could not regularized w.e.f. 1986. Consequent to Government order 375 dated 27-2-2006 in which Sri L.Prabhakarao was assigned the B list w.e.f. 07-08-1986, the B. List date of the petitioner was altered to 01-01-1993. The Deputy Inspector General of Police, Guntur, has further stated that orders of the Hon'ble A.P.High Court dated 10.6.2003 in WP No.13765/98, relates to fixation of inter-seniority between the promotees and direct SIs but not regularization of services of the petitioner.

9. The Government have examined the issue in detail, and consider that S.O. 107 and the APPM provides promotion of Head Constables in the rank of S.Is. Sub paras (2) and (3) of S.O. 107 provides that the S.P. and Deputy Commissioners should scrutinize the records and submit the list to Dy. Inspector General or the Commissioner, as the case may be, on receipt of the list of the Deputy Inspector General of Police, and the Commissioner will hold written as well as viva-voce examination and drill test, and select qualified persons for obtaining precedent promotion. The number of Head Constables to the selected each year will depend on the total number of vacancies intended for promotees in the cadre of S.Is. On the basis of the examination, they will be put on the (C) list their seniority being considered interse with the Head Constables of the batch along with whom they have passed, in the order of marks obtained by them. In view of the judgment of the Hon'ble Tribunal dated 15.5.1984, in R.P.No.710/83, and the orders of the Hon'ble High Court in W.P.No.13765/98, dated 10.6.2003, r/w S.O. 107 of the A.P.P.M. it can be said that:-

- i) The seniority of 58 Head Constables sent for training on 20.3.83 and 10.5.85 shall be fixed on the basis of the marks obtained by them in the PTC. If any Head Constable sent for training on 20.3.83 get ranking below the required number they will be adjusted in the existing vacancies but with lower rank
- ii) There is no ratio of 30% and 70% between promotees ad direct recruits to fix their seniority. Their seniority shall be fixed under the provision of APPM r/w the provisions of the A.P. State & Subordinate Service Rules
- iii) As per the S.O. 107 of the APPM, the Sub-Insepctors who have passed their examination conducted by P.T.C., Anantapur, shall be eligible to put them on the "C" list from the date of passing examination. Sri Khasim Peera, passed the examination conducted by the PTC on 7.6.1985.

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10. Government, after careful examination of the matter, hereby order that the orders issued in G.O. Rt.No.719, Home (Ser.II) Department, dated 20.4.2006, regularising the services of Sri Khasim Peera, from 1986 are in order, and the orders issued in Govt. Memo. No.18744/Ser.II/A1/2006, dated 20.6.2007, are hereby cancelled.

11. The Director General of Police, A.P., Hyderabad, is requested to take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJOYENDRA PYAL
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director General of Police, A.P., Hyderabad

The individual thro' the Director General of Police, A.P., Hyderabad

Copy to:-

The Deputy Inspector General of Police, Guntur Range, Guntur

P.S. to Minister (Home)

P.S. to Principal Secretary, Home

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//FORWARDED BY ORDER//

SECTION OFFICER